S.B. CIVIL WRIT PETITION NO.2303/2006.

Gajendra Pareek
Vs.
University of Rajasthan and ors.

Date of Order : 29/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Smt.Naina Saraf for the petitioner.
Shri RA Katta for the University of Rajasthan.
Shri Sandeep Sharma on behalf of
Smt.Anupama Chaturvedi for the respondents.

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This writ petition has been filed with the prayer to direct the respondent-University of Rajasthan to permit the petitioner to appear in M.B.A. (Old Scheme) 2005-06 examination which scheduled to commence on 12/4/2006 along with three due papers of MBA Part-I. According to the case of the petitioner, he applied for revaluation of those papers mainly papers No.101, 105 and 106 but the respondent-University vide its communication dated 30/4/2002 informed that since answer books of those papers has been lost/misplaced in the premise, it would not be possible to re-evaluate the same.

Learned counsel for the petitioner has relied on Ordinance 169-G(3) of the University Ordinances and argued that in view of the provisions contained therein, the respondent-University is required to permit one extra chance to the petitioner

and in fact that chance was availed of though under the orders of court dated 10/4/2006 in which self-same direction was issued to the respondents to permit the petitioner to appear in the MBA Part-I Examination.

Learned counsel for the respondents opposed the writ petition but did not dispute the fact that answer-sheets of the petitioner for Paper Nos.101, 105 and 106 were lost/misplaced and it was because of this reason that the re-evaluation was not possible.

In the facts and circumstances of the case, it is thus clear that according to Ordinance 169-G(3) of the University Ordinances petitioner was entitled to re-appear in the aforesaid papers and which fact was mentioned by the respondent-University in their letter dated 30/4/2002 itself.

It is therefore directed that result of the examination of the petitioner shall be declared and if eventually petitioner is found to have declared successful in the papers, he shall be entitled to further pursue his studies in accordance with law.

With the aforesaid directions, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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